

A REPLY to a Printed Paper Entituled,
A brief Account of the Evidence given on behalf of Edmond Warner, at a Trial at the Bar the 24th. of November 1693, &c. Occasioned by some false Reflections in the said Paper upon the Evidence given for the KING at the said Trial, wherein that they might gain the greater Credit, the Author had the assurance to Challenge any One to detect him of the least Falsbood therein.

1. **T**O the first Paragraph, being the Evidence of *William Riddall*, Steward to the said *Mr. Warner*; That *all his time of Service, the Earth in question was sold to Potters, except some small quantities sold in the Neighbourhood for daubing of Houses, &c.* It's most certain he gave the same account at the Tryal; and it is as true, the said Earth, upon the least water coming to it, desolves (if dried) in the same manner as all other Fullers Earth doth, as has been proved before and by many Members of the Honourable House of Commons: Therefore it cannot be alledged as a good argument, that the said Clay is not of the Nature of Fullers Earth, and after its being once dried by the Sun, will not prove *The best Clay Wall in England*; but being Of the Nature of Fullers Earth, upon the first wet Weather will fall to the ground; nor will the strength of this Gentleman's Testimony be able to support it.

That it was formerly seized (as he says) and after discharged, may be true, it not being consistent with every Officer in the Out Ports, to expend Three or Four Hundred Pounds to justify himself in the Execution of his Duty.

2. To the Second ^{containing} Contents: What was deposed by divers Pot-makers in and about *London*, That *Fullers Earth all the art of Man can never make a Pot of, &c.* Is not denied (intirely of its self, without mixture with other Earths) no better than the *Pots, Cups, &c.* produced by the said Pot-makers at the first Tryal, and sworn *To be made by them perfectly and intirely of Mr. Warners Earth*, which when tried in Court, by being filled with Water, ran through in all parts thereof, before they could be handed to the Barons; and when broke in pieces, moldred as Chalk, and by the Court declared a Cheat. These Gentlemen upon a cross Examination, confessed they *used in their common Working other Clays in making their Pots, mix'd with Mr. Warner's Earth.* However, to accomodate their Evidence to the Occasion, they were then intirely made of the Earth, in question, although imperfectly, yet better to serve the purpose; and if the fallacy had not been discovered, it might have proved more serviceable; this ill-luck made them decline any more proofs of their Skill at the second Trial, contenting themselves to give their Evidence without Demonstration.

3. The Third, being the Evidence of *Benjamin Furly* and *John Sonman* his Servant of *Rotterdam*, That *all the Earth consigned by Mr. Warner to the said Furly, was sold to Pottets, and of the great plenty of Fullers Earth in Holland, with the meanness of the Value.* These by their Depositions farther Depose, besides what is thought fit to be recited in the before-mentioned Paper, *That there are also divers other Merchants in that City residing, that have there Imported the said Mr. Warner's Earth*; but what use that may have been put to, they find convenient to conceal. It's certain, they were omitted and not examined by Vertue of the said Commission. It may be agreed, that any Fullers Earth to be procured in those Parts, by the meanness of its quality (not plenty) is not worth above the One fourth part of that Imported into those Countries from *England*.

4. and 5. To the Fourth and Fifth, These, except the Measurers, are as is said Pot and Platter-makers, who in their Depositions give account, *Of their buying and using the said Earth of Mr. Warner; with the great value of it more than the Fullers Earth in those Countries.* And although they are *Dutch* People, and live in the several parts of that Country, yet they all speak good *English* on this occasion, and jump so wonderfully in their Opinion, that all their Depositions agree almost *Verbatim*, had they been all taught to say one thing they were very apt to repeat so nicely. It happens there is
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not above Thirteen of them said to be examined, although if they had been made Thirty, they might have passed as well, their Depositions being taken in distinct pieces of Parchment not joyned together, and but one of those appears signed as sworn to by the Commissioners; However it will be difficult to reconcile all these Depositions with the Evidence of *Henry Dewilde*, a Dutch Pot and Platter-maker living near the City of *London*, and one of the Witnesses of Mr. Warner mentioned in the afore said Paper, who upon his Examination, said, *That there is no occasion for the Earth of Mr. Warner in Holland, there having been liberty for Importation of Potters Clay to those Parts for Two Years last past from French-Flanders, whereby the Earth of Mr. Warner is not worth the Freight of carrying to Rotterdam for the use of the said Pot and Platter-makers.* Either this is not true, or more than he should have said, otherwise the Three Ships with the said Earth designed lately to be Exported by Mr. Warner, must not have been for the use of Pot-making, as is pretended.

6. To the Sixth, That relates to the Evidence, which an Honourable Member of Parliament was pleased to give at the Trial, as it was at the request of Mr. *Furly*, the Agent or Factor of Mr. Warner in *Holland*; he gave himself the trouble of that enquiry, so undoubtedly it was according to the account he received from *Myn Heer Antonio*, as Interpreted, *between him and a Dutchman.*

7. The Seventh, being the Testimony of a Divine, who was pleased to let the Court know, That he was in the Kings Service, and being in *Holland*, read a Letter from Mr. Warner, intreating his assistance, and inquiry about the Earth in Question; that pursuant thereto, he undertook the trouble of Travelling to most of the Cities of that Countrey that related to the Clothing Trade, and after that to the most considerable places for Pot-making, and took all this pains (as he declared upon Oath) with design to have discovered the use of the Earth of Mr. Warner in the Fulling of Cloth, thereby to have served his King and Countrey.

If this Gentleman had stumbled on any place where the Earth in dispute had been used as Fullers Earth, how unfortunate had Mr. Warner been in giving him that trouble; but since it proved otherwise, it was well used as an Argument for the veracity of his Evidence.

8 and 9. The Eight and Ninth are divers Masters of Ships and several Buyers and Sellers of Fullers Earth, being *Salters* by Trade; these swore, That Mr. Warners Earth was not Fullers Earth, nor like the Earth bought by them, that they never dealt but in one sort, and that the said Earth of Mr. Warner would not melt, nor draw, or suck up Water, nor take the Grease out of Boards, as other Fullers Earth doth, &c. It may be presumed these Persons are so knowing in their Trade, as to be sensible the Fullers Earth they sell, when new taken out of the Pit and wet, as that of Mr. Warners was (which lay four days sunk in the Lighter Two and a half Foot under Water) would be the same; had they dried it (as they ought) their Evidence must have been wanting. Its known to all men that are acquainted with the nature and use of Fullers Earth, what care and long preparation is used in the drying thereof, before it is fit to be used in the Fulling of Cloth; but notwithstanding these Persons have had the Courage upon Oath to Affirm all this, yet this very Earth of Mr. Warners, now in the Kings Ware-house, doth melt, and draw, or suck up Water, and take the Grease out in the same manner as all other Fullers Earth; all which may with more confidence be asserted, having been Experimented in all these qualities by divers Members of the House of Commons themselves.

It may also be observed, That one of these *Salters* before-mentioned, when this Earth was first suspected to be for other use then in making of Pots, was by the Officers of the Customs desired to give his Opinion thereof, and then answered them, it was good Fullers Earth, &c. upon whose Judgment they put the first stop to it, what Arguments have since prevailed with him to change his Opinion do not appear.

10. To the Tenth, being Clothiers, Baymen, Fullers and Millmen, these were very different in the giving their Evidence, those from *Worcester* did not pretend it would not scowre the Grease out of the Cloth, But that the Cloth, Fulled not after so well as with their own Earth, Yet one of those most eminent Clothiers, which gave his Testimony on behalf of Mr. Warner, at the Trial, and mentioned by him in his Paper, hath thought fit since to be a Petitioner, with the Corporation of that City, to the Honourable the House of Commons, to prevent the Exportation of the said Earth. For the *Glocester* Clothiers, they acknowledged never to have prepared the Earth of Mr. Warner by drying, but used it in the Condition they received it from the Custom-House, when no Fuller can have the confidence to affirm it can have its effect. For the *Essex* and *Suffolk* evidence, they indeed were positive, Swearing, it was so far from having any thing of

of the nature of Fullers Earth or Scouring faculties, that it fixed the Grease so in the Grounds of all the Cloths, that no Fullers Earth in England can fetch it out. It seems then the Worcester and Gloucester Clothiers were better Workmen, altho not so good Evidencers. All these People upon cross Examination confessed, Mr. Warner contracted with them before hand to answer the damage any one should have by spoiling their Cloth in the Experiment, which were to be produced in his behalf, as Evidence at the Trial: Yet its remarkable they at the said Trial Varnished their Evidences with a Declaration, that they made all these Experiments, with a design to have made it Fullers Earth if they could. If that were true, 'twas very ungrateful to detect their Friend at his own expence.

For the reflection made by Mr. Warner at the latter end of this Paper, That his Adversaries (meaning the Officers of the Customs) made their Witnesses to affirm the said Warners Clay, was tried in all Experiments without any mixture, there was not above one or two, but upon Cross Examination at the Trial, owned they used Segg and Hogs dung or Soape and Gauls with it, which (as he says) would have scoured any Cloths better without the said Clay then with it.

This in the whole is so notoriously false, that it must have required much confidence to assert, and the Trial being then intirely taken; well attested and ready to be produced, may be easily detected; besides that this is untrue, is apparent by the Examinations of the same Persons, among divers others, upon the 19th. of this present January 1693, before a Committee of the Honourable the House of Commons, on this Occasion, to which the truth of all this is most humbly referred.

For his conclusion, That it may not be amiss to observe, that in a whole year, &c. he had not been able to sell the least quantity of his Clay as Fullers Earth, tho he has proffer'd it to all men for a very little more then one Third of what Fullers Earth is generally sold for. The Clothiers of Worcester, did before and since the Printing of that Paper, offer to give Mr. Warner 20 Shillings per Ton for his Earth, being the same Price they pay for the Fullers Earth of Surrey, for a certain quantity, and what they should have occasion for. But had Mr. Warner made any such Bargain during the present inquiry, he must have brought not only his discretion but Senses into question.

It has been most industriously spread abroad by Mr. Warner, as a reflection upon the Officers, That they would have been bargaining with him for a piece of money, and then he had been at liberty to Export the said Earth. This, considering the trust that is committed to them in the Execution of their Offices, more sensibly concerns them then any other consequence in this affair: And being obliged to justify themselves, they affirm it utterly false and most malicious, and as frivolous as untrue, designed only to impose upon the unwary; it not being in the power of the said Officers, at any time to have made such agreement, all those Informations relating to the Earth in question, being entered in the Exchequer, and the Commissioners of the Customs acquainted with it, before ever Mr. Warner appeared on that Occasion.

For the Penalties of Three Shilling per Pound, which the Law has given the Moiety of to the Officers, they have abundant proof beyond exception, that in compassion to Mr. Warner, provided he Export no more of the said Earth, they from the first offered to consent to a Licence from the Court, or as the Barons should direct, and before the second Tryal, they by the Attorney General in Court, wholly declined all the Forfeitures; that if a Verdict should have been given for the King, it might appear they fought not their Interest, but Service of the Nation, in Endeavouring to prevent so great a mischief, as the Law hath declared the Exportation of Fullers Earth, to be, and to avoid themselves the heavy Penalties those Lawshave charged them with (as Felony, &c.) if they should have been found Consenting to the Exportation of the said Mr. Warner's Earth, when by the Judgement of almost 100 Clothiers and Fullers in the Counties and Shires of Gloucester, Wilts, Somerset, Worcester, Berks, Surrey and Essex, who had themselves, or some of them, appointed by the rest of each County and Shire, taken the said Earth out of the Kings Ware-House, and having Experimented the same in the Scouring and Fulling of many Cloths, declared the said Earth to be good Fullers Earth, doing all the Offices thereof; and at the same time Mr. Warner always declining (as he did at the late hearing before the Committee) the proof of a Joynt Experiment.